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SENATE BILL 1024

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Carroll H. Leavell

AN ACT

RELATING TO CRIMINAL OFFENSES; REQUIRING PROOF OF OWNERSHIP FOR
OIL AND GAS EQUIPMENT; PROHIBITING TAMPERING WITH
IDENTIFICATION NUMBERS; PROVIDING FOR INJUNCTIVE RELIEF;
PRESCRIBING PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Criminal Code is enacted
to read:

"[NEW MATERIAL] SHORT TITLE.--This act may be cited as the
"Oil and Gas Equipment Sales Act"."

Section 2. A new section of the Criminal Code is enacted
to read:

"[NEW MATERIAL] DEFINITIONS.--As used in the Oil and Gas
Equipment Sales Act:

A. "acquisition" or "acquire" includes purchase,

underscored material = new
[bracketed material] = delete

1 exchange or other means of lawful acquisition of oil and gas
2 equipment;

3 B. "buyer" means a person who buys for money or
4 other consideration or otherwise receives oil and gas equipment
5 from a seller;

6 C. "oil and gas equipment" means equipment that is
7 used in the exploration, production or transportation of oil
8 and gas; and

9 D. "seller" means a person who sells, exchanges or
10 otherwise transfers ownership of oil and gas equipment."

11 Section 3. A new section of the Criminal Code is enacted
12 to read:

13 "[NEW MATERIAL] BILL OF SALE--REQUIRED INFORMATION.--

14 A. Oil and gas equipment shall not be sold or
15 acquired except by bill of sale or other proof of ownership.
16 The buyer shall be given a proof of ownership at the time of
17 acquisition, and the seller and the buyer shall each retain a
18 copy of the proof of ownership for their records for a minimum
19 of five years.

20 B. The proof or ownership shall include:

21 (1) the names and addresses of the seller and
22 the buyer;

23 (2) the serial number, if available, or other
24 identifying marks or characteristics of the oil and gas
25 equipment;

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underscored material = new
[bracketed material] = delete

1 (3) the kind, make, size, weight, length and
2 quantity of all material involved in the sale, if applicable;

3 (4) the date of the acquisition, if different
4 from the date of the bill of sale; and

5 (5) the location of the oil and gas equipment
6 at the time of acquisition.

7 Section 4. A new section of the Criminal Code is enacted
8 to read:

9 "[NEW MATERIAL] TAMPERING WITH IDENTIFICATION NUMBERS
10 PROHIBITED.--

11 A. As used in this section, "tampering with
12 identification numbers" means:

13 (1) knowingly or intentionally removing,
14 altering or obliterating the serial number or other permanent
15 identification marking on oil and gas equipment; or

16 (2) possessing, selling or offering for sale
17 oil and gas equipment when:

18 (a) the person possessing, selling or
19 offering to sell knows that the serial number or other
20 permanent identification marking has been removed, altered or
21 obliterated; or

22 (b) a reasonable person in the position
23 of the person possessing, selling or offering to sell would
24 have known that the serial number or other permanent
25 identification marking has been removed, altered or

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[bracketed material] = delete

1 obliterated.

2 B. Tampering with identification numbers is
3 prohibited."

4 Section 5. A new section of the Criminal Code is enacted
5 to read:

6 "[NEW MATERIAL] INSPECTION.--The proof of ownership
7 required by the Oil and Gas Equipment Sales Act shall be
8 available for inspection by the attorney general or any law
9 enforcement agency at all reasonable times."

10 Section 6. A new section of the Criminal Code is enacted
11 to read:

12 "[NEW MATERIAL] CRIMINAL PENALTY--INJUNCTION.--

13 A. A person who violates the provisions of the Oil
14 and Gas Equipment Sales Act or who intentionally interferes
15 with an inspection pursuant to that act when the value of the
16 oil or gas equipment is:

17 (1) one hundred dollars (\$100) or less is
18 guilty of a petty misdemeanor;

19 (2) over one hundred dollars (\$100) but not
20 more than one thousand dollars (\$1,000) is guilty of a
21 misdemeanor;

22 (3) over one thousand dollars (\$1,000) but not
23 more than two thousand five hundred dollars (\$2,500) is guilty
24 of a fourth degree felony;

25 (4) over two thousand five hundred dollars

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underscored material = new
~~[bracketed material] = delete~~

1 (\$2,500) but not more than twenty thousand dollars (\$20,000) is
2 guilty of a third degree felony; or

3 (5) over twenty thousand dollars (\$20,000) is
4 guilty of a second degree felony.

5 B. The attorney general or a district attorney may
6 petition the district court to enjoin a buyer or seller from
7 engaging in business until it complies with the requirements
8 the court deems necessary to prevent violation of the Oil and
9 Gas Equipment Sales Act."

10 Section 7. EFFECTIVE DATE.--The effective date of the
11 provisions of this act is July 1, 2007.